

**HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.110 OF 2025**

The National Insurance Co. Ltd. Represented by the Branch Manager, Thana Road, Dharmanagar, P.O & P.S Dharmanagar, District North Tripura. (Insurer of Vehicle (Scooty) bearing Registration No.TR-02-F- 8246.

.....***Appellant.***

VERSUS

1. Smt. Shephali Nath (58 years), W/o- Late Premananda Nath.

2. Smt. Shelly Nath, (43 years), D/o- Late Premananda Nath, Both are residents of Subhashnagar, P.O. & P.S. Kanchanpur. District- North Tripura.

3. Smt. Shiuli Nath, (40 years), D/o- Late Premananda Nath, W/o- Sri Amritlal Nath, Resident of Village- West Satnala, P.O. Satnala, P.S. Kanchanpur, District- North Tripura.

4. Smt. Sukla Rani Nath, (37 Years), D/o- Late Premananda Nath, W/o Sri Gobinda Nath, Resident of Netajinagar, P.O. Kanchanpur, P.S. Kanchanpur, District- North Tripura.

5. Smt. Rupali Nath, (33 Years), D/o Late Premananda Nath, W/o Sri Bhagyeswar Nath, Resident of village & P.O. Deocherra, P.S. Panisagar, District- North Tripura.

6. Smt. Nilima Nath, (29 Years), D/o Late Premananda Nath, W/o Sri Surojit Debnath, Resident of Harichand Road, Padmapur, P.O & P.S. Dharmanagar, District North Tripura.

.....***Claimant Respondents.***

7. Sri Lalremsanga, S/o- F. Lalbiakthanga, resident of Netajinagar, P.O. Kanchanpur, P.S. Kanchanpur, District, North Tripura. (Driver of the vehicle bearing Registration No. TR-02-F-8246 (Scooty).

8. Sri Lalmangaihsangi Hauhnar, W/O Sri Lalremsanga, resident of Netajinagar, P.O. Kanchanpur, P.S. Kanchanpur, District, North Tripura, (Owner of the vehicle bearing Registration No. TR-02-F-8246 (Scooty).

.....***Opposite party Respondents***

For the Appellant(s) : Ms. R. Purkayastha, Advocate.
For the Respondent(s) : None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER

16.01.2026

[1] When the case is called Ms. R. Purkayastha, learned counsel is present before this Court on behalf of appellant-Insurance company. None appears on behalf of the respondents despite service of notice.

[2] This present appeal has been filed under Section 173 (1) of the M.V. Act 1988 against the judgment and award dated 02.06.2025 passed by the Motor Accident Claims Tribunal North Tripura, Dharmanagar in T.S.(MAC) 49 of 2023.

[3] The appellant has prayed for the following reliefs:-

- 1) admit the appeal;
- (2) call for the records from the Ld. Tribunal below;
- (3) issue notice upon the respondents; and
- (4) after hearing the parties would further be pleased enough to quash /set aside that part of the impugned award dated 02.06.2025 passed by the Ld. Motor Accidents Claims Tribunal, Sri A. Debbarma, North Tripura, Dharmanagar T.S. (MAC)49 of 2023 whereby the Ld. Tribunal below has most illegally and arbitrarily awarded compensation of Rs.9,10,000 (Rupees Nine Lakh Ten thousand) only with interest @ 6% per annum from 17.08.2023 i.e. from the date of filing of the claim petition till realisation of awarded compensation to the Claimant Respondents to be paid by the O.P. No.3Appellant, the insurer of vehicle No. TR-02-F-8246, Scooty, within 30 days from the date of the judgment; and further be pleased enough to stay the operation of the impugned award till final disposal of the appeal, otherwise the appellant would be highly prejudiced..”

[4] The brief facts of the case is that on 19.06.2023 at about 08.30 pm the victim was proceeding towards his house from Kanchanpur market with his bicycle through the left side of the road and while he reached near the BSNL Office, Kanchanpur, at that time a vehicle bearing registration No. TR-02-F-8246 (Scooty) proceeding towards the opposite direction in very rash & negligent manner and with high speed dashed him, resulting which said victim fell down on the road and sustained severe injuries on his person. Immediately after the

accident with the help of the Fire Service he was shifted to Kanchanpur Sub-Divisional Hospital but considering his serious condition the attending Doctor forthwith referred him to Dharmanagar District Hospital on that night. Accordingly he was shifted to Dharmanagar District Hospital but due to his critical condition he was again shifted to Silchar Medical College & Hospital on that night and therefrom as per advice of the attending Medical officer on duty, on the next day ie, on 20.06.2023 said victim was referred to NEIGHRIHMS, Shillong. Meghalaya, wherein he died on 21.06.2023 at about 05.35 am.

[5] On perusal of the record and after hearing the learned counsel appearing for both the parties, the learned Tribunal below passed the award in the following manner

"O=R=D=E=R

17. In view of the above discussion and findings, the application under Section 166 of the Motor Vehicles Act, 1988 filed by the claimant-petitioners is allowed on contest.

The Opposite Party No.3, the Branch Manager, National Insurance Company Limited, Thana Road, PO & PS- Dharmanagar, District- North Tripura shall pay the compensation of Rs.9,10,000/-(Rupees nine lakh ten thousand) only to the claimant-petitioners within a period of 30 days from this day of award. This award of compensation shall carry interest at the rate of 6% per annum from the date of presentation of the claim petition before this Tribunal i.e. 17-08-2023 till the date of realization.

Since the copy of bank passbook, PAN card etc. of the claimant-petitioners are not submitted, the mode of disbursement will be made after receipt of the awarded amount from the OP No.3.

Supply a copy of the judgment to the claimant-petitioners for their ready reference and a copy of the judgment shall also be communicated to the Opposite party No.3, the Branch Manager, National Insurance Company Limited, Thana Road, PO & PS – Dharmanagar, District =North Tripura to facilitate the payment of the awarded compensation in time.

Prepare the award accordingly. Thus, the instant claim petition is disposed off on contest.

Make entry in the TR and in CIS."

[6] Being aggrieved and dissatisfied with the judgment and award dated 02.06.2025 passed by the Ld. Motor Accident Claims Tribunal, North Tripura, Dharmanagar, in T.S (MAC) No. 49 of 2023, the present appeal has been preferred by the appellant.

[7] Ms. R. Purkayastha, learned counsel appearing for the appellant-Insurance Company submits before this Court that the learned Tribunal below without considering the notification of the Hon'ble High Court of

Tripura wherein monthly income of the skilled labour is considered as Rs. 12,000/- per month but the learned Tribunal considered as Rs. 15,000/- without any basis. Thus, she prayed to consider the monthly income of the deceased as per notification of this Court and thereby to allow her appeal.

[8] Heard and perused the evidence on record.

[9] According to this Court, the only point which falls for consideration in the present appeal is that the Tribunal below has considered Rs. 15,000/- per month while awarding compensation in the absence of proof of income and the same was assailed in this appeal. It is a settled principle of law by this Court that in the absence of any proof of income the notification issued by the High Court is being considered and in the said notification vide No No.F.44 (11) – HC/2023/19504 Dated Agartala, the 4th August, 2023, the High Court considered granting of Rs. 12,000/- of a skilled labour per month towards the income. Accordingly, considering the notification of this Hon'ble Court Rs. 15,000/- is reduced to Rs. 12,000/-. This Court further directs that all other aspects of the award shall remain unaltered. Thus, the amount of compensation to be given is recalculated hereunder :-



RECALCULATION

$(Rs.12000/- \times 12) = Rs.1,44,000/-$. Thereafter, one third of his yearly income $(Rs.1,44,000/- \times 1/3) = Rs.48,000/-$. After deduction of 1/3 amount of his yearly income, his yearly contribution to his family is assessed at $(Rs.1,44,000 - Rs. 48,000) = Rs. 96,000/-$. Therefore, the loss of income of the deceased applying multiplier 07 would stand at $(Rs. 96,000 \times 7) = Rs.6,72,000/-$ and that amount is the actual loss of income of the legal heirs of the deceased due to his death. Apart from this, the legal heirs of the deceased are also entitled to Rs.

15,000/- for loss of estate, Rs. 15,000/- as funeral expenses and Rs.40,000/- as consortium.

[10] So, in total (Rs. 6,72,000/- + Rs.15000/-+Rs.15000/+Rs. 40,000/-) = **Rs. 7,42,000/-** (Rupees Seven Lakhs Forty Two Thousand) only will be awarded to the claimants.

[11] Accordingly, the legal heirs of the deceased would be entitled compensation as indicated above along with the statutory benefits as awarded by the learned tribunal below.

[12] The awarded amount shall be deposited by the Insurance company within a period of one month from today, if not deposited. However, it is made clear that on such deposit, the claimants are at liberty to withdraw the same unconditionally as per procedure.

[13] In the light of the above, the present appeal stands allowed to the extent as indicated above.

[14] As a sequel, miscellaneous application pending, if any, shall stand closed.

DR. T. AMARNATH GOUD, J

Paritosh

SABYAS
ACHI
GHOSH

Digitally signed
by SABYASACHI
GHOSH
Date: 2026.01.27
10:01:10 +05'30'